

Senate File 2384

S-5179

1 Amend Senate File 2384 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <DIVISION I

5 STANDING APPROPRIATIONS AND RELATED MATTERS

6 Section 1. LIMITATIONS OF STANDING APPROPRIATIONS — FY  
7 2022-2023. Notwithstanding the standing appropriation in the  
8 following designated section for the fiscal year beginning July  
9 1, 2022, and ending June 30, 2023, the amount appropriated from  
10 the general fund of the state pursuant to that section for the  
11 following designated purpose shall not exceed the following  
12 amount:

13 For payment of claims for nonpublic school pupil  
14 transportation under [section 285.2](#):

15 ..... \$ 8,997,091

16 If total approved claims for reimbursement for nonpublic  
17 school pupil transportation exceed the amount appropriated in  
18 accordance with this section, the department of education shall  
19 prorate the amount of each approved claim.

20 Sec. 2. INSTRUCTIONAL SUPPORT STATE AID — FY 2022-2023. In  
21 lieu of the appropriation provided in section 257.20,  
22 subsection 2, the appropriation for the fiscal year  
23 beginning July 1, 2022, and ending June 30, 2023, for paying  
24 instructional support state aid under [section 257.20](#) for the  
25 fiscal year is zero.

26 Sec. 3. SPECIAL FUNDS — SALARY ADJUSTMENTS —  
27 UNAPPROPRIATED MONEYS — FY 2022-2023. For the fiscal year  
28 beginning July 1, 2022, and ending June 30, 2023, salary  
29 adjustments otherwise provided may be funded as determined  
30 by the department of management, subject to any applicable  
31 constitutional limitation, using unappropriated moneys  
32 remaining in the department of commerce revolving fund, the  
33 gaming enforcement revolving fund, the gaming regulatory  
34 revolving fund, the primary road fund, the road use tax  
35 fund, the fish and game protection fund, and the Iowa public

1 employees' retirement fund, and in other departmental  
2 revolving, trust, or special funds for which the general  
3 assembly has not made an operating budget appropriation.

4 Sec. 4. Section 257.35, Code 2022, is amended by adding the  
5 following new subsection:

6 NEW SUBSECTION. 16A. a. Notwithstanding subsection 1, and  
7 in addition to the reductions applicable pursuant to subsection  
8 2 and paragraph "b" of this subsection, the state aid for area  
9 education agencies and the portion of the combined district  
10 cost calculated for these agencies related to expenditures  
11 other than expenditures for professional development for the  
12 fiscal year beginning July 1, 2022, and ending June 30, 2023,  
13 shall be reduced by the department of management by fifteen  
14 million dollars. The reduction for each area education agency  
15 shall be prorated based on the reduction that the agency  
16 received in the fiscal year beginning July 1, 2003.

17 b. Notwithstanding subsection 1, and in addition to  
18 the reductions applicable pursuant to subsection 2 and  
19 paragraph "a" of this subsection, the state aid for area  
20 education agencies and the portion of the combined district  
21 cost calculated for these agencies related to professional  
22 development expenditures for the fiscal year beginning July  
23 1, 2022, and ending June 30, 2023, shall be reduced by the  
24 department of management by an amount equal to the sum of the  
25 area education agency professional development supplement  
26 district cost for all area education agencies determined under  
27 section 257.37A, subsection 2, for the budget year beginning  
28 July 1, 2022. The reduction for each area education agency  
29 shall be equal to the area education agency's professional  
30 development district cost determined under section 257.37A,  
31 subsection 2, for the budget year beginning July 1, 2022.  
32 The amounts reduced under this paragraph shall be considered  
33 funds paid to school districts and area education agencies  
34 under chapter 284 for purposes of requirements for providing  
35 professional development opportunities.

1 DIVISION II

2 CORRECTIVE PROVISIONS

3 Sec. 5. Section 45.1, subsection 7, paragraph a, Code 2022,  
4 as amended by 2022 Iowa Acts, House File 2466, section 3, is  
5 amended to read as follows:

6 a. For a supervisor district with a population of greater  
7 than fifteen thousand but ~~fewer~~ no more than fifty thousand  
8 according to the most recent federal decennial census,  
9 nomination petitions shall include at least fifty signatures.

10 Sec. 6. Section 80E.2, subsection 2, Code 2022, as amended  
11 by 2022 Iowa Acts, House File 2367, section 2, is amended to  
12 read as follows:

13 2. The prosecuting attorney, certified alcohol and drug  
14 counselor, certified substance abuse prevention specialist,  
15 substance use disorder treatment program director, member  
16 representing the Iowa peace officers association, member  
17 representing the Iowa state police association, the  
18 member representing the Iowa state sheriffs' and deputies'  
19 association, and the member ~~representing the Iowa police chiefs~~  
20 ~~association~~ who is a police chief shall be appointed by the  
21 governor, subject to senate confirmation, for four-year terms  
22 beginning and ending as provided in [section 69.19](#). A vacancy  
23 on the council shall be filled for the unexpired term in the  
24 same manner as the original appointment was made.

25 Sec. 7. Section 124.204, subsection 2, paragraph c1, as  
26 enacted by 2022 Iowa Acts, House File 2201, section 1, is  
27 amended to read as follows:

28 c1. N-(1-phenethylpiperidin-4-yl)  
29 -N-phenylcyclopentanecarboxamide. Other name: ~~cyclopentanyl~~  
30 cyclopentyl fentanyl.

31 Sec. 8. Section 147.77, subsection 1, paragraph 1, as  
32 enacted by 2022 Iowa Acts, House File 803, section 51, is  
33 amended to read as follows:

34 1. The department of public safety, with respect to rules  
35 relating to permits to carry weapons, that a person who is

1 an unlawful user of or addicted to any controlled substance  
2 includes any person who is a current user of a controlled  
3 substance in a manner other than as prescribed by a licensed  
4 physician.

5 Sec. 9. Section 147.77, subsection 1, paragraph p,  
6 subparagraph (3), as enacted by 2022 Iowa Acts, House File 803,  
7 section 51, is amended to read as follows:

8 (3) For applications for a license to practice asbestos  
9 removal, that except as noted in rule, only worker and  
10 contractor/supervisor license applicants must submit a the  
11 respiratory protection and physician's certification forms.

12 Sec. 10. Section 249A.42A, subsection 2, as enacted by 2022  
13 Iowa Acts, House File 736, section 1, is amended to read as  
14 follows:

15 2. The provider documented the eligibility verification  
16 performed and any necessary prior authorization obtained  
17 pursuant to ~~paragraph "a"~~ subsection 1 in a manner and format  
18 established by the department by rule, and retained the  
19 required documentation in the recipient's file.

20 Sec. 11. Section 261.116, subsection 7, Code 2022, as  
21 amended by 2022 Iowa Acts, Senate File 2383, section 16, if  
22 enacted, is amended to read as follows:

23 6. *Health care award fund.* A health care award fund is  
24 created for deposit of moneys appropriated to or received by  
25 the commission for use under the program. Notwithstanding  
26 section 8.33, moneys deposited in the health care award  
27 fund shall not revert to any fund of the state at the  
28 end of any fiscal year but shall remain in the award fund  
29 and be continuously available for use under the program.  
30 Notwithstanding section 12C.7, subsection 2, interest or  
31 earnings on moneys deposited in the health care award fund  
32 shall be credited to the fund.

33 Sec. 12. Section 441.1, subsection 3, paragraph d, as  
34 enacted by 2022 Iowa Acts, Senate File 384, section 1, is  
35 amended to read as follows:

1     *d.* The provisions of chapter 28E are applicable to this  
2 ~~section~~ subsection.

3     Sec. 13. Section 600.5, subsection 9A, as enacted by 2022  
4 Iowa Acts, House File 2252, section 6, is amended to read as  
5 follows:

6     9A. If the parents of the person to be adopted had their  
7 parental rights terminated pursuant to chapter 232, the  
8 petition shall ~~included~~ include the names of any known siblings  
9 placed separately from the person to be adopted and either the  
10 plan for ongoing contact between the siblings if a court found  
11 that continued contact is in the best interest of each sibling  
12 or a statement that the court found continued contact between  
13 the siblings is not in the best interest of each sibling.

14     Sec. 14. Section 692A.102, subsection 1, paragraph c,  
15 subparagraph (012), if enacted by 2022 Iowa Acts, Senate File  
16 529, section 6, is amended to read as follows:

17     NEW SUBPARAGRAPH. (012) Sexual abuse in the fourth  
18 degree in violation of section 709.4A, subsection 3, if the  
19 perpetrator is a health care professional as defined in section  
20 714I.2, who used or provided the health care professional's  
21 own human reproductive material for assisted reproduction in  
22 violation of section 714I.3, subsection 2.

23     Sec. 15. 2022 Iowa Acts, House File 2200, section 3, is  
24 amended to read as follows:

25     SEC. 3. APPLICABILITY. This Act applies to direct health  
26 care agreements that are fully executed on or after the  
27 effective date of enactment this Act.

28     Sec. 16. 2022 Iowa Acts, House File 2201, section 7, is  
29 amended by striking the section and inserting in lieu thereof  
30 the following:

31     SEC. 7. Section 124.206, subsection 2, paragraph a,  
32 unnumbered paragraph 1, Code 2022, is amended by striking  
33 the unnumbered paragraph and inserting in lieu thereof the  
34 following:

35     Opium and opiate, and any salt, compound, derivative,

1 or preparation of opium or opiate excluding apomorphine,  
2 thebaine-derived butorphanol, dextrorphan, nalbuphine,  
3 naldemedine, nalmeferone, naloxegol, naloxone, 6beta-naltrexol,  
4 naltrexone, and samidorphan, and their respective salts, but  
5 including the following:

6     Sec. 17. 2022 Iowa Acts, Senate File 2295, section 184, is  
7 amended by striking the section and inserting in lieu thereof  
8 the following:

9     SEC. 184. 2020 Iowa Acts, chapter 1064, sections 17 and  
10 18, are amended by striking the sections and inserting in lieu  
11 thereof the following:

12     SEC. 17. [Section 422.12D, subsection 2](#), Code 2022, is  
13 amended to read as follows:

14     2. The director of revenue shall draft the income tax form  
15 to allow the designation of contributions to the veterans trust  
16 fund and to the volunteer fire fighter preparedness fund as  
17 one checkoff on the tax return. The department of revenue,  
18 on or before January 31, shall transfer one-half of the total  
19 amount designated on the tax return forms due in the preceding  
20 calendar year to the veterans trust fund and the remaining  
21 one-half to the volunteer fire fighter preparedness fund.  
22 However, before a checkoff pursuant to [this section](#) shall be  
23 permitted, all liabilities on the books of the department of  
24 ~~administrative services~~ and accounts identified as owing under  
25 section ~~8A.504~~ [421.65](#) shall be satisfied.

26     SEC. 18. [Section 422.12L, subsection 2](#), Code 2022, is  
27 amended to read as follows:

28     2. The director of revenue shall draft the income tax form  
29 to allow the designation of contributions to the foundation  
30 fund on the tax return. The department, on or before January  
31 31, shall transfer the total amount designated on the tax  
32 form due in the preceding year to the foundation fund.  
33 However, before a checkoff pursuant to [this section](#) shall be  
34 permitted, all liabilities on the books of the department of  
35 ~~administrative services~~ and accounts identified as owing under

1 section ~~8A.504~~ 421.65 shall be satisfied.

2 Sec. 18. CONTINGENT REPEAL. 2022 Iowa Acts, House File  
3 2581, section 13, if enacted, is repealed.

4 Sec. 19. CODE EDITOR DIRECTIVES.

5 1. If Senate File 496 is enacted during the 2022 session  
6 of the Eighty-ninth General Assembly, the Code editor is  
7 directed to transfer the Code sections as enacted by that Act  
8 as follows:

9 a. Section 94.1 to section 94B.1.

10 b. Section 94.2 to section 94B.2.

11 2. The Code editor is directed to renumber section 331.301,  
12 subsection 18, as enacted by 2022 Iowa Acts, House File 728, to  
13 become section 331.301, subsection 21.

14 3. The Code editor shall correct internal references in the  
15 Code and in any enacted legislation as necessary due to the  
16 enactment of this section.

17 Sec. 20. EFFECTIVE DATE. The following, being deemed of  
18 immediate importance, take effect upon enactment:

19 1. The section of this division of this Act amending section  
20 124.204, subsection 2, paragraph "cl".

21 2. The section of this division of this Act amending 2022  
22 Iowa Acts, House File 2200, section 3.

23 3. The section of this division of this Act amending 2022  
24 Iowa Acts, House File 2201, section 7.

25 Sec. 21. RETROACTIVE APPLICABILITY. The following apply  
26 retroactively to May 2, 2022:

27 1. The section of this division of this Act amending section  
28 124.204, subsection 2, paragraph "cl".

29 2. The section of this division of this Act amending 2022  
30 Iowa Acts, House File 2201, section 7.

31 Sec. 22. RETROACTIVE APPLICABILITY. The section of this  
32 division of this Act amending 2022 Iowa Acts, House File 2200,  
33 section 3, applies retroactively to May 12, 2022.

34 DIVISION III

35 OFFICE OF THE CHIEF INFORMATION OFFICER

1     Sec. 23. Section 8B.2, Code 2022, is amended to read as  
2 follows:

3     **8B.2 Office ~~created~~ established — chief information officer**  
4 **~~appointed~~ selected.**

5     1. The office of the chief information officer is ~~created~~  
6 ~~as an independent agency and is attached to the department of~~  
7 ~~administrative services for accounting and fiscal services.~~  
8 ~~The department of administrative services shall provide such~~  
9 ~~additional assistance and administrative support services to~~  
10 ~~the office as the department of administrative services and the~~  
11 ~~office determines maximizes the efficiency and effectiveness~~  
12 ~~of both the department and office established within the~~  
13 ~~department of management.~~

14     2. The chief information officer, who shall be the head  
15 of the office, shall be ~~appointed by the governor to serve at~~  
16 ~~the pleasure of the governor and is subject to confirmation by~~  
17 ~~the senate. If the office becomes vacant, the vacancy shall~~  
18 ~~be filled in the same manner as provided for the original~~  
19 ~~appointment selected by the director of the department of~~  
20 ~~management. The director of the department of management shall~~  
21 ~~set the salary of the chief information officer.~~

22     3. The person ~~appointed~~ selected as the chief information  
23 officer for the state shall be professionally qualified by  
24 education and have no less than five years' experience in the  
25 field of information technology, and a working knowledge of  
26 financial management. ~~The chief information officer shall~~  
27 ~~not be a member of any local, state, or national committee~~  
28 ~~of a political party, an officer or member of a committee in~~  
29 ~~any partisan political club or organization, or hold or be~~  
30 ~~a candidate for a paid elective public office. The chief~~  
31 ~~information officer is subject to the restrictions on political~~  
32 ~~activity provided in section 8A.416.~~

33     Sec. 24. Section 8D.3, subsection 2, paragraph b, Code 2022,  
34 is amended to read as follows:

35     b. The auditor of state or the auditor's designee and



1 the chief information officer ~~appointed~~ selected pursuant to  
2 section 8B.2 or the chief information officer's designee shall  
3 serve as nonvoting, ex officio members of the commission.

4 Sec. 25. Section 11.5B, subsection 15, Code 2022, is amended  
5 to read as follows:

6 15. Office of the chief information officer of the  
7 department of management.

8 Sec. 26. 2008 Iowa Acts, chapter 1191, section 14,  
9 subsection 7, as amended by 2010 Iowa Acts, chapter 1193,  
10 section 26, is amended to read as follows:

11 7. The following are range 7 positions: administrator  
12 of the public broadcasting division of the department of  
13 education, director of the department of corrections, director  
14 of the department of education, director of human services,  
15 director of the department of economic development, executive  
16 director of the Iowa telecommunications and technology  
17 commission, executive director of the state board of regents,  
18 director of transportation, director of the department of  
19 workforce development, director of revenue, director of  
20 public health, state court administrator, director of the  
21 department of management, ~~chief information officer~~, state debt  
22 coordinator, and director of the department of administrative  
23 services.

24 Sec. 27. EFFECTIVE DATE. This division of this Act, being  
25 deemed of immediate importance, takes effect upon enactment.

26 Sec. 28. APPLICABILITY. This division of this Act, as it  
27 relates to the salary of the chief information officer, applies  
28 with the pay period beginning after the effective date of this  
29 division of this Act, and subsequent pay periods.

#### 30 DIVISION IV

#### 31 CONDUCT OF ELECTIONS — FUNDING

32 Sec. 29. NEW SECTION. **49.17 Conduct of elections —**  
33 **funding.**

34 1. The state commissioner or a county commissioner or  
35 political subdivision of the state shall only accept funding



1 following:

2     *a.* Printed material delivered by the United States mail or  
3 other delivery service.

4     *b.* Sent to more than two hundred physical addresses.

5     *c.* Substantially similar or identical as regards each  
6 mailing.

7     *d.* Sent at the same time or within a thirty-day period.

8     NEW SUBSECTION. 4. Notwithstanding subsection 3, a  
9 mailing that is sent to any participant in a program or the  
10 participant's address within sixty days of an election in which  
11 an office listed in section 39.9 is to appear on the ballot  
12 shall be considered a direct mass mailing for the purposes  
13 of subsection 1 if the purpose of the mailing is to provide  
14 a participant with information relevant to the participant's  
15 existing account with a program sponsored and administered by  
16 the statewide elected official who sent the mailing.

17                                   DIVISION VI

18                                   OPEN ENROLLMENT

19     Sec. 32. Section 256F.9, Code 2022, is amended to read as  
20 follows:

21     **256F.9 Procedures after revocation — student enrollment.**

22     If a charter school or innovation zone school contract is  
23 revoked in accordance with [this chapter](#), a nonresident student  
24 who attended the school, and any siblings of the student,  
25 ~~shall be determined to have shown "good cause" as provided in~~  
26 ~~[section 282.18, subsection 4](#), paragraph "b", and may submit an~~  
27 application to another school district according to section  
28 282.18 ~~at any time.~~ Applications and notices required by  
29 section 282.18 shall be processed and provided in a prompt  
30 manner. ~~The application and notice deadlines in section 282.18~~  
31 ~~do not apply to a nonresident student application under these~~  
32 ~~circumstances.~~

33     Sec. 33. Section 282.18, subsection 2, paragraphs a and b,  
34 Code 2022, are amended to read as follows:

35     *a.* ~~By March 1 of the preceding school year for students~~

1 ~~entering grades one through twelve, or by September 1 of the~~  
2 ~~current school year for students entering kindergarten or~~  
3 ~~for prekindergarten students enrolled in special education~~  
4 ~~programs and included in the school district's basic enrollment~~  
5 ~~under section 257.6, subsection 1, paragraph "a", subparagraph~~  
6 ~~(1), the A parent or guardian shall send notification to the~~  
7 ~~district of residence and the receiving district, on forms~~  
8 ~~prescribed by the department of education, that the parent or~~  
9 ~~guardian intends to enroll the parent's or guardian's child~~  
10 ~~in a public school in another school district. If a parent~~  
11 ~~or guardian fails to file a notification that the parent~~  
12 ~~intends to enroll the parent's or guardian's child in a public~~  
13 ~~school in another district by the deadline specified in this~~  
14 ~~subsection, the procedures of subsection 4 apply.~~

15     b. The board of the receiving district shall enroll the  
16 pupil in a school in the receiving district ~~for the following~~  
17 ~~school year~~ unless the receiving district has insufficient  
18 classroom space for the pupil. The board of directors  
19 of a receiving district may adopt a policy granting the  
20 superintendent of the school district authority to approve open  
21 enrollment applications. If the request is granted, the board  
22 shall transmit a copy of the form to the parent or guardian and  
23 the school district of residence within five days after board  
24 action, ~~but not later than June 1 of the preceding school year.~~  
25 The parent or guardian may withdraw the request at any time  
26 prior to the ~~start of the school year~~ board's action on the  
27 application. A denial of a request by the board of a receiving  
28 district is not subject to appeal.

29     Sec. 34. Section 282.18, subsection 3, paragraph a, Code  
30 2022, is amended to read as follows:

31     a. The superintendent of a district subject to court-ordered  
32 desegregation may deny a request for transfer under this  
33 section if the superintendent finds that enrollment or release  
34 of a pupil will adversely affect the district's implementation  
35 of the desegregation order, unless the transfer is requested

1 by a pupil whose sibling is already participating in open  
2 enrollment to another district, or unless the request for  
3 transfer is submitted to the district ~~in a timely manner as~~  
4 ~~required under~~ subsection 2 prior to implementation of the  
5 desegregation order by the district. If a transfer request  
6 would facilitate implementation of a desegregation order, the  
7 district shall give priority to granting the request over other  
8 requests.

9 Sec. 35. Section 282.18, subsections 4, 5, and 15, Code  
10 2022, are amended by striking the subsections.

11 Sec. 36. Section 282.18, subsection 6, Code 2022, is amended  
12 to read as follows:

13 6. A request under this section is for a period of not less  
14 than one year. If the request is for more than one year and  
15 the parent or guardian desires to have the pupil enroll in a  
16 different district, the parent or guardian may petition the  
17 current receiving district ~~by March 1 of the previous school~~  
18 ~~year~~ for permission to enroll the pupil in a different district  
19 for a period of not less than one year. Upon receipt of such a  
20 request, the current receiving district board may act on the  
21 request to transfer to the other school district at the next  
22 regularly scheduled board meeting after the receipt of the  
23 request. The new receiving district shall enroll the pupil  
24 in the district unless there is insufficient classroom space  
25 in the district or the district is subject to court-ordered  
26 desegregation and enrollment of the pupil would adversely  
27 affect implementation of the desegregation order. A denial of  
28 a request to change district enrollment ~~within the approved~~  
29 ~~period~~ is not subject to appeal. ~~However, a~~ A pupil who has  
30 been in attendance in another district under this section  
31 may return to the district of residence and enroll at any  
32 time, once the parent or guardian has notified the district of  
33 residence and the receiving district in writing of the decision  
34 to enroll the pupil in the district of residence.

35 Sec. 37. Section 282.18, subsection 7, Code 2022, is amended

1 by adding the following new paragraph:

2 NEW PARAGRAPH. *c.* If a pupil participating in open  
3 enrollment attends school in the receiving district for less  
4 than a full school year, payment from the district of residence  
5 to the receiving district shall be prorated on a per diem  
6 basis.

7 Sec. 38. Section 282.18, subsection 11, paragraph a,  
8 subparagraph (8), Code 2022, is amended to read as follows:

9 (8) If the pupil participates in open enrollment because  
10 of circumstances that meet the definition of good cause ~~under~~  
11 ~~subsection 4~~, paragraph "b". For purposes of this subparagraph,  
12 "good cause" means a change in a child's residence due to a  
13 change in family residence, a change in a child's residence  
14 from the residence of one parent or guardian to the residence  
15 of different parent or guardian, a change in the state in  
16 which the family residence is located, a change in a child's  
17 parents' marital status, a guardianship or custody proceeding,  
18 placement in foster care, adoption, participation in a foreign  
19 exchange program, initial placement of a prekindergarten  
20 student in a special education program requiring specially  
21 designed instruction, or participation in a substance abuse  
22 or mental health treatment program, a change in the status of  
23 a child's resident district such as removal of accreditation  
24 by the state board, surrender of accreditation, or permanent  
25 closure of a nonpublic school, revocation of a charter school  
26 contract as provided in section 256E.10 or 256F.8, the failure  
27 of negotiations for a whole grade sharing, reorganization,  
28 dissolution agreement, or the rejection of a current whole  
29 grade sharing agreement, or reorganization plan.

30 Sec. 39. Section 290.1, Code 2022, is amended to read as  
31 follows:

32 **290.1 Appeal to state board.**

33 An affected pupil, or the parent or guardian of an affected  
34 pupil who is a minor, who is aggrieved by a decision or order  
35 of the board of directors of a school corporation in a matter

1 of law or fact, ~~or a decision or order of a board of directors~~  
2 ~~under section 282.18, subsection 5,~~ may, within thirty days  
3 after the rendition of the decision or the making of the order,  
4 appeal the decision or order to the state board of education;  
5 the basis of the proceedings shall be an affidavit filed with  
6 the state board by the party aggrieved within the time for  
7 taking the appeal, which affidavit shall set forth any error  
8 complained of in a plain and concise manner.

9     Sec. 40. EMERGENCY RULES. The department of education may  
10 adopt emergency rules under section 17A.4, subsection 3, and  
11 section 17A.5, subsection 2, paragraph "b", to implement the  
12 provisions of this division of this Act and the rules shall  
13 be effective immediately upon filing unless a later date is  
14 specified in the rules. Any rules adopted in accordance with  
15 this section shall also be published as a notice of intended  
16 action as provided in section 17A.4.

17     Sec. 41. EFFECTIVE DATE. This division of this Act, being  
18 deemed of immediate importance, takes effect upon enactment.

#### 19                                   DIVISION VII

#### 20                                   SHARED OPERATIONAL FUNCTIONS

21     Sec. 42. Section 257.11, subsection 5, paragraph a, Code  
22 2022, is amended to read as follows:

23     a. (1) In order to provide additional funding to increase  
24 student opportunities and redirect more resources to student  
25 programming for school districts that share operational  
26 functions, a district that shares with a political subdivision  
27 one or more operational functions of a curriculum director,  
28 master social worker, independent social worker, work-based  
29 learning coordinator, special education director, mental  
30 health professional who holds a statement of recognition  
31 issued by the board of educational examiners, college  
32 and career transition counselor or coordinator, or school  
33 counselor, or one or more operational functions in the areas  
34 of superintendent management, business management, human  
35 resources, transportation, or operation and maintenance for at

1 least twenty percent of the school year shall be assigned a  
2 supplementary weighting for each shared operational function.  
3 A school district that shares an operational function in  
4 the area of superintendent management shall be assigned a  
5 supplementary weighting of eight pupils for the function. A  
6 school district that shares an operational function in the area  
7 of business management, human resources, transportation, or  
8 operation and maintenance shall be assigned a supplementary  
9 weighting of five pupils for the function. A school district  
10 that shares the operational functions of a curriculum director;  
11 a master social worker or an independent social worker  
12 licensed under [chapters 147 and 154C](#); a work-based learning  
13 coordinator; a special education director; a mental health  
14 professional who holds a statement of recognition issued by  
15 the board of educational examiners; a college and career  
16 transition counselor or coordinator; or a school counselor  
17 shall be assigned a supplementary weighting of three pupils  
18 for the function. The additional weighting shall be assigned  
19 for each discrete operational function shared. However, a  
20 school district may receive the additional weighting under this  
21 subsection for sharing the services of an individual with a  
22 political subdivision even if the type of operational function  
23 performed by the individual for the school district and the  
24 type of operational function performed by the individual  
25 for the political subdivision are not the same operational  
26 function, so long as both operational functions are eligible  
27 for weighting under [this subsection](#). In such case, the school  
28 district shall be assigned the additional weighting for the  
29 type of operational function that the individual performs for  
30 the school district, and the school district shall not receive  
31 additional weighting for any other function performed by the  
32 individual. The operational function sharing arrangement does  
33 not need to be a newly implemented sharing arrangement to  
34 receive supplementary weighting under [this subsection](#).

35 (2) For the purposes of this paragraph "a":



1     (a) "College and career transition counselor or coordinator"  
2     means a licensed school counselor or an appropriately trained  
3     individual responsible for providing direct services to  
4     students, parents, families, schools, and postsecondary  
5     institutions to support college preparation and postsecondary  
6     success, such as college preparation, financial aid processing,  
7     and transition to postsecondary institution enrollment.

8     ~~{a}~~   (b)   "Political subdivision" means a city, township,  
9     county, school corporation, merged area, area education agency,  
10    institution governed by the state board of regents, or any  
11    other governmental subdivision.

12    ~~{b}~~   (c)   "Work-based learning coordinator" means an  
13    appropriately trained individual responsible for facilitating  
14    authentic, engaging work-based learning experiences for  
15    learners and educators in partnership with employers and others  
16    to enhance learning by connecting the content and skills that  
17    are necessary for future careers.

18                                   DIVISION VIII

19    DELINQUENT ACT — POSSESSION OF DANGEROUS WEAPONS OR FIREARMS  
20                                   BY MINORS

21    Sec. 43. Section 232.2, subsection 12, Code 2022, is amended  
22    by adding the following new paragraph:

23    NEW PARAGRAPH.   e. The violation of section 724.4E which is  
24    committed by a child.

25    Sec. 44. EFFECTIVE DATE. This division of this Act, being  
26    deemed of immediate importance, takes effect upon enactment.

27                                   DIVISION IX

28                                   ASSAULT — NATIONAL GUARD MEMBERS

29    Sec. 45. Section 708.3A, subsections 1, 2, 3, and 4, Code  
30    2022, are amended to read as follows:

31    1. A person who commits an assault, as defined in section  
32    708.1, against a peace officer, jailer, correctional staff,  
33    member or employee of the board of parole, health care  
34    provider, employee of the department of human services,  
35    employee of the department of revenue, national guard member

1 engaged in national guard duty or state active duty, civilian  
2 employee of a law enforcement agency, civilian employee of a  
3 fire department, or fire fighter, whether paid or volunteer,  
4 with the knowledge that the person against whom the assault  
5 is committed is a peace officer, jailer, correctional staff,  
6 member or employee of the board of parole, health care  
7 provider, employee of the department of human services,  
8 employee of the department of revenue, national guard member  
9 engaged in national guard duty or state active duty, civilian  
10 employee of a law enforcement agency, civilian employee of a  
11 fire department, or fire fighter and with the intent to inflict  
12 a serious injury upon the peace officer, jailer, correctional  
13 staff, member or employee of the board of parole, health  
14 care provider, employee of the department of human services,  
15 employee of the department of revenue, national guard member  
16 engaged in national guard duty or state active duty, civilian  
17 employee of a law enforcement agency, civilian employee of a  
18 fire department, or fire fighter, is guilty of a class "D"  
19 felony.

20 2. A person who commits an assault, as defined in section  
21 708.1, against a peace officer, jailer, correctional staff,  
22 member or employee of the board of parole, health care  
23 provider, employee of the department of human services,  
24 employee of the department of revenue, national guard member  
25 engaged in national guard duty or state active duty, civilian  
26 employee of a law enforcement agency, civilian employee of a  
27 fire department, or fire fighter, whether paid or volunteer,  
28 who knows that the person against whom the assault is committed  
29 is a peace officer, jailer, correctional staff, member or  
30 employee of the board of parole, health care provider, employee  
31 of the department of human services, employee of the department  
32 of revenue, national guard member engaged in national guard  
33 duty or state active duty, civilian employee of a law  
34 enforcement agency, civilian employee of a fire department, or  
35 fire fighter and who uses or displays a dangerous weapon in

1 connection with the assault, is guilty of a class "D" felony.  
2 3. A person who commits an assault, as defined in section  
3 708.1, against a peace officer, jailer, correctional staff,  
4 member or employee of the board of parole, health care  
5 provider, employee of the department of human services,  
6 employee of the department of revenue, national guard member  
7 engaged in national guard duty or state active duty, civilian  
8 employee of a law enforcement agency, civilian employee of a  
9 fire department, or fire fighter, whether paid or volunteer,  
10 who knows that the person against whom the assault is committed  
11 is a peace officer, jailer, correctional staff, member or  
12 employee of the board of parole, health care provider, employee  
13 of the department of human services, employee of the department  
14 of revenue, national guard member engaged in national guard  
15 duty or state active duty, civilian employee of a law  
16 enforcement agency, civilian employee of a fire department, or  
17 fire fighter, and who causes bodily injury or mental illness,  
18 is guilty of an aggravated misdemeanor.

19 4. Any other assault, as defined in [section 708.1](#), committed  
20 against a peace officer, jailer, correctional staff, member or  
21 employee of the board of parole, health care provider, employee  
22 of the department of human services, employee of the department  
23 of revenue, national guard member engaged in national guard  
24 duty or state active duty, civilian employee of a law  
25 enforcement agency, civilian employee of a fire department,  
26 or fire fighter, whether paid or volunteer, by a person who  
27 knows that the person against whom the assault is committed is  
28 a peace officer, jailer, correctional staff, member or employee  
29 of the board of parole, health care provider, employee of the  
30 department of human services, employee of the department of  
31 revenue, national guard member engaged in national guard duty  
32 or state active duty, civilian employee of a law enforcement  
33 agency, civilian employee of a fire department, or fire  
34 fighter, is a serious misdemeanor.

35 Sec. 46. Section 708.3A, subsection 5, Code 2022, is amended

1 by adding the following new paragraphs:

2 NEW PARAGRAPH. *f. "National guard" means the same as*  
3 *defined in section 29A.1.*

4 NEW PARAGRAPH. *g. "National guard duty" means the same as*  
5 *defined in section 29A.1.*

6 NEW PARAGRAPH. *h. "State active duty" means the same as*  
7 *defined in section 29A.1.*

8 DIVISION X

9 DEPENDENT ADULT ABUSE RESULTING IN DEATH

10 Sec. 47. Section 726.26, if enacted by 2022 Iowa Acts,  
11 Senate File 522, section 6, is amended by adding the following  
12 new subsection:

13 NEW SUBSECTION. 2A. A caretaker who intentionally or  
14 recklessly commits dependent adult abuse is guilty of murder  
15 in the second degree in violation of section 707.3 if the  
16 intentional or reckless dependent adult abuse results in the  
17 death of the dependent adult.

18 DIVISION XI

19 HEALTH CARE PROVIDER REFERRAL TO AMBULATORY SURGICAL CENTER

20 Sec. 48. NEW SECTION. 147.163 **Provision of information —**  
21 **referral to ambulatory surgical center — licensee discipline.**

22 1. A health care provider who determines that a patient is a  
23 candidate for outpatient surgery based on the patient's medical  
24 status and surgical service needs, and refers the patient to  
25 an ambulatory surgical center as an option for the surgery,  
26 shall provide the patient with a written document listing the  
27 factors the patient should consider to make a fully informed  
28 decision about the patient's recommended course of care. The  
29 considerations shall include all of the following:

30 *a.* The differences in ownership; licensure, certification,  
31 or accreditation; and payment alternatives between the  
32 ambulatory surgical center and a hospital.

33 *b.* The types of medical personnel generally involved in the  
34 patient's surgical service and the capacity of the ambulatory  
35 surgical center and a hospital to comply with the personnel

1 requirements.

2     *c.* The capacity of the ambulatory surgical center and a  
3 hospital to respond to medical complications and emergencies  
4 that may arise from the surgical service.

5     *d.* The proximity of the ambulatory surgical center to a  
6 hospital and the protocols in place for transfer of a patient  
7 from the ambulatory surgical center to the hospital for  
8 emergency care.

9     *e.* The type of anesthesia generally used for the patient's  
10 surgical service and the capacity of the ambulatory surgical  
11 center and a hospital to comply with requirements relative to  
12 the use of anesthesia.

13     2. For the purposes of this section:

14     *a.* "*Ambulatory surgical center*" means a distinct facility  
15 that operates exclusively for the purpose of providing surgical  
16 services to patients not requiring hospitalization and in which  
17 the expected duration of services does not exceed twenty-four  
18 hours following an admission. "*Ambulatory surgical center*"  
19 includes a facility that otherwise meets the definition of  
20 ambulatory surgical center whether or not licensed, certified,  
21 or accredited as an ambulatory surgical center and which may  
22 or may not operate on a partially cash-only or completely  
23 cash-only basis. "*Ambulatory surgical center*" does not include  
24 individual or group practice offices of private physicians  
25 or podiatrists that do not contain a distinct area used for  
26 outpatient surgical treatment on a regular basis, or that  
27 only provide surgery routinely provided in a physician's  
28 or podiatrist's office using local anesthesia or conscious  
29 sedation; individual or group practice offices of private  
30 dentists; or a portion of a licensed hospital designated for  
31 outpatient surgical treatment.

32     *b.* "*Health care provider*" means a person who is licensed,  
33 certified, or otherwise authorized or permitted by the laws of  
34 this state to administer health care in the ordinary course of  
35 business or in the practice of a profession.



1 under this paragraph. Identifying information collected by the  
2 department of revenue pursuant to this paragraph that can be  
3 used to identify a specific distributor shall be considered  
4 confidential information pursuant to section 22.7, subsection  
5 75.

6 Sec. 52. EFFECTIVE DATE. This division of this Act takes  
7 effect January 1, 2023.

8 DIVISION XV

9 FUNERAL SERVICES — CORRECTION

10 Sec. 53. Section 523A.505, subsection 1, as enacted by 2022  
11 Iowa Acts, House File 2155, section 4, is amended to read as  
12 follows:

13 1. A sales agent, and any person who owns at least five  
14 percent of a preneed seller business, shall have an ongoing  
15 duty to disclose to the commissioner all felony crimes and  
16 those misdemeanor-level crimes involving dishonesty or false  
17 statement for which the sales agent or person has been found  
18 guilty, or for which the sales agent or person has pled  
19 guilty or no contest. Such disclosure shall be made to the  
20 commissioner within thirty calendar days of the date that  
21 the sales agent or person has been found guilty by a court  
22 of competent jurisdiction, or of the date the sales agent or  
23 person pleads ~~not~~ guilty or no contest.

24 DIVISION XVI

25 COUNTY JURISDICTION — CEMETERIES

26 Sec. 54. Section 331.325, subsection 3, Code 2022, is  
27 amended by adding the following new paragraph:

28 NEW PARAGRAPH. *d.* A cemetery that does not otherwise  
29 qualify to be under the jurisdiction and control of a county  
30 board of supervisors or county cemetery commission may  
31 designate a portion of the cemetery as a pioneer section if at  
32 least fifty percent of the burials in that portion occurred  
33 at least one hundred years prior to the designation. Upon  
34 approval by the cemetery, the county board of supervisors, and  
35 the county cemetery commission, the county cemetery commission

1 may use its resources to restore and maintain the pioneer  
2 section of the cemetery as though that section was a pioneer  
3 cemetery. However, a cemetery with a designated pioneer  
4 section and the pioneer section itself shall not be considered  
5 a pioneer cemetery.

6 Sec. 55. NEW SECTION. 523I.403 Pioneer section —  
7 management by county cemetery commission.

8 A cemetery may designate a portion of the cemetery as a  
9 pioneer section to be restored and maintained by the county  
10 cemetery commission as provided in section 331.325, subsection  
11 3, paragraph "d".

12 DIVISION XVII

13 HOME-BASED BUSINESSES

14 Sec. 56. Section 137D.1, subsection 4, unnumbered paragraph  
15 1, Code 2022, as amended by 2022 Iowa Acts, House File 2431,  
16 section 2, if enacted, is amended to read as follows:

17 "*Homemade food item*" means a food that is produced and, if  
18 packaged, packaged at a home food processing establishment.  
19 "*Homemade food item*" includes food that is not time/temperature  
20 control for safety food, but does not include such food if  
21 produced and sold under section 137F.20. "*Homemade food item*"  
22 does not include unpasteurized fruit or vegetable juice, raw  
23 sprout seeds, foods containing game animals, fish or shellfish,  
24 alcoholic beverages, bottled water, packaged ice, consumable  
25 hemp products, food that will be further processed by a food  
26 processing plant, time/temperature control for safety food  
27 packaged using a reduced oxygen packaging method, milk or milk  
28 products regulated under chapter 192 or 194, and meat, meat  
29 food products, poultry, or poultry products regulated under  
30 chapter 189A, except for any of the following products when  
31 sold directly to the end consumer:

32 Sec. 57. Section 137F.1, subsection 2A, paragraph a, if  
33 enacted by 2022 Iowa Acts, House File 2431, section 8, is  
34 amended to read as follows:

35 a. Milk or milk products regulated under chapter 192 or



1 194.>

2     2. Title page, by striking lines 1 through 5 and  
3 inserting <An Act relating to state and local finances by  
4 making appropriations, providing for legal and regulatory  
5 responsibilities, providing for other properly related matters,  
6 providing penalties, making penalties applicable, and including  
7 effective date, applicability, and retroactive applicability  
8 provisions.>

---

JACK WHITVER